

**CALENDAR ITEM  
C65**

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S 1

06/23/11  
PRC 8719.1  
N. Lee

**REVISION OF RENT**

**LESSEE:**

Donner Lake Village Owners Association  
15695 Donner Pass Road  
Truckee, CA 96161

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Donner Lake, adjacent to 15695 Donner Pass Road, near the town of Truckee, Nevada County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina consisting of a floating dock and ramp with five slips, six personal watercraft lifts, and a kayak rack; and an existing recreational use facility consisting of two floating docks and ramps with five slips each and a fixed pier as shown on Exhibit A.

**LEASE TERM:**

10 years, beginning May 1, 2006.

**CONSIDERATION:**

Commercial Marina: Current minimum rent is \$5,018 per year due and payable in two equal installments each lease year on May 1 and October 1, against five percent of the annual gross income from the berthing of five boat slips, the rental of six personal watercraft, three ski boats, one pontoon boat, and 10 kayaks/canoes; and 10 percent of all other income generated on the Lease Premises.

Recreational Use Facility: Current annual rent is \$207 per year.

This lease provides that the Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends the minimum rent for the commercial marina be revised from \$5,018 per year to \$5,712 per year and the rent for the recreational

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use facility be revised from \$207 per year to \$923 per year, effective May 1, 2011.

**OTHER PERTINENT INFORMATION:**

1. On November 21, 2006, the Commission authorized a General Lease – Commercial and Recreational Use to Donner Lake Village Owners Association (Association) and approved a sublease. The lease will expire on April 30, 2016.
2. The Association is a condominium owners association that owns the uplands adjoining the lease premises and that uses the lease premises for an existing commercial marina operation and for recreational uses by its members. The Lessee contracts annually with a commercial marina operator to operate the marina facilities.
3. The Association consists of 66 member units that use the recreational use facility for the exclusive use of its members. Of these member units, four are not owned by natural persons and do not qualify for rent-free status pursuant to Public Resources Code section 6503.5. The rent for the recreational use facility has been prorated according to the number of member units qualifying for rent-free status.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

**AUTHORIZATION:**

1. Approve the revision of minimum rent for the commercial marina of Lease No. PRC 8719.1 from \$5,018 per year to \$5,712 per year due and payable in two equal installments of each lease year on May 1 and October 1, against five percent of the annual gross income from the berthing of five boat slips, the rental of six personal watercraft, three ski boats, one pontoon boat, and 10 kayaks/canoes; and 10 percent of all other income generated on the Lease Premises, effective May 1, 2011.

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2. Approve the revision of rent for the recreational use facility of Lease No. PRC 8719.1 from \$207 per year to \$923 per year, effective May 1, 2011.